

RESOLUTION NO. 2013 – 4

RESOLUTION OF THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY  
TO THE COMMUNITY DEVELOPMENT COMMISSION AS  
THE NATIONAL CITY REDEVELOPMENT AGENCY RATIFYING THE  
EXECUTIVE DIRECTOR'S AGREEMENT TO, AND EXECUTION OF THE  
FIRST AMENDMENT TO THE SUCCESSOR AGENCY'S AGREEMENT WITH  
E2 MANAGETECH, INC., EXTENDING THAT AGREEMENT UNTIL MARCH 30, 2014,  
AND INCREASING THE NOT TO EXCEED AMOUNT BY \$20,000  
FOR A TOTAL AMOUNT OF \$118,000

WHEREAS, the Successor Agency to the Community Development Commission as the National City Redevelopment Agency (Successor Agency), this Oversight Board, and the California Department of Finance have reviewed and approved a Recognized Obligation Payment Schedule for the period January 1, 2013 through June 30, 2013 (ROPS 3), including but not limited to various items related to the Successor Agency's Westside Infill Transit Oriented Development (WI-TOD) project; and

WHEREAS, the WI-TOD project is to be implemented in accord with the terms of a Disposition and Development Agreement dated June 21, 2011 between the Community Development Commission and a developer (DDA), which DDA provides for a significant project including but not limited to 201 affordable housing units; and

WHEREAS, the City of National City (City) is contractually obligated to carry out the WI-TOD project in cooperation with the Successor Agency, and various third party agreements have been executed in relation to this obligation; and

WHEREAS, environmental remediation is a requirement of the DDA, and the Successor Agency has a contract with E2 Managotech, whereby E2 Managotech provides environmental engineering services, including program management and remediation services to implement a Property Mitigation Plan (PMP) for the WI-TOD project; and

WHEREAS the E2 Managotech contract was reflected and approved on the ROPS 3 as Item No. 12; and

WHEREAS, the San Diego County Department of Environmental Health (DEH) has recently required additional environmental remediation compliance work relating to the WI-TOD project and to the environmental engineering services that E2 Managotech provides per its contract with respect thereto, and necessitating an extension of the term of that contract through March 30, 2014; and

WHEREAS, time being of the essence as to this DEH-mandated environmental remediation compliance, and to advance the protection of the public health, safety and welfare in the implementation of the WI-TOD project, the Executive Director executed the first amendment to the Successor Agency's contract with E2 Managotech; and

WHEREAS, the Board of the Successor Agency determined, at its regularly scheduled public meeting on April 16, 2013, that the Executive Director's execution of this first amendment was a necessary and appropriate exercise of her authority, and ratified same; and

WHEREAS, on April 17, 2013, at a regularly scheduled public meeting, this Oversight Board found and determined by a majority vote that the Executive Director advanced the approved shared interest of the Successor Agency and this Oversight Board's affected taxing entities, said interest including the completion of the DEH-mandated environmental

remediation compliance work in relation to the WI-TOD project as previously approved in the ROPS 3; and

WHEREAS, all actions of this Oversight Board are adopted by resolution in accord with California Health and Safety Code Section 34179, subdivision (e).

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board of the Successor Agency to the Community Development Commission as the National City Redevelopment Agency hereby ratifies the Executive Director's agreement to, and execution of the first amendment to the Successor Agency's agreement with E2 Managetechn, said agreement and first amendment being attached to and incorporated by this reference in this Resolution as **Exhibit A**; and

BE IT FURTHER RESOLVED that the Oversight Board makes this approval and ratification based upon the true and correct recitals above, each of which it hereby incorporates into this Resolution by this reference; and

BE IT FURTHER RESOLVED that notice of this Resolution shall be transmitted to the state Department of Finance by electronic means and shall take effect at the time provided in California Health and Safety Code Section 34179, subdivision (h); and

BE IT FURTHER RESOLVED that the Oversight Board Secretary and/or Successor Agency Secretary shall certify to the adoption of this Resolution.

The foregoing resolution was duly and regularly PASSED and ADOPTED at a regular meeting of the Oversight Board of the Successor Agency to the Community Development Commission as the National City Redevelopment Agency on this 17<sup>th</sup> day of April, 2013, by the following vote:

AYES: Aguirre, Desrochers, Morrison, Perri, Hentschke

NOES: None

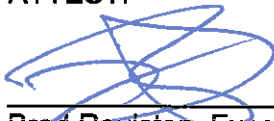
ABSENT: Carson, Donaldson

ABSTAIN: None



Ron Morrison, Chairman

ATTEST:



Brad Raulston, Executive Director  
Secretary to the Oversight Board

APPROVED AS TO FORM:



Edward Z. Kotkin  
Cummins & White  
Oversight Board Counsel